

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Dietrich Charisius et al.

Group Art Unit: 2162

Application No: 09/839,524

Examiner: Nahar, Qamrun

Filed: 04/20/2001

**For: METHODS AND SYSTEMS FOR RELATING A DATA DEFINITION
FILE AND A DATA MODEL FOR DISTRIBUTED COMPUTING**

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

In response to the 09 January 2006 Final Office Action in the above-identified application, please have a panel of expert examiners consider the following arguments supporting allowance of the claimed subject matter. Please find enclosed a regular Notice of Appeal (Form PTO/SB/31) along with a check for \$500 covering the fee for the appeal. Also, please find enclosed a Pre-Appeal Brief Request for Review (Form PTO/SB/33).

REMARKS

In the 09 January 2006 Final Office Action, the Examiner held the position that U.S. Patent No. 5,838,973 to Carpenter-Smith teaches synchronizing a textual relationship with a graphical relationship so that a modification in one representation is automatically visible in the other representation. The Examiner heavily relies on Fig. 19 of the Carpenter-Smith reference, pointing out that “FIG. 19 shows the recipient list window 350, having a responsibility list 352, a class list 354 and a behavior name list 356. When the user selects the yes button 344 in the action... As seen in FIG. 19, **the 2D object window 270 can be shown simultaneously with the recipient list window 350** to assist the user in defining the classes and behaviors” citing column 12, lines 32-45, emphasis added.

Applicant’s counsel does not see how the Examiner’s emphasis relates to a teaching of synchronizing a textual relationship with a graphical relationship so that a modification in one representation is automatically visible in the other representation as currently called for in the independent claims of the present application.

FIG. 19 of Carpenter-Smith merely illustrates a windowing feature whereby a user can display the recipient list window 350 for review in order to make it easier for a user to interactively construct graphical representations of objects in a simultaneously displayed two-dimensional object window 270. In other words, as depicted in the drawings of Carpenter-Smith and described in the specification of Carpenter-Smith, a user can refer to the textual representations of window 350 while using a graphical user interface to construct and/or modify the graphical representations of the 2D object window 270.

In order to anticipate the present invention as currently claimed, Carpenter-Smith would have to show an automatic synchronization between recipient window 350 and the 2D object window 270. Carpenter-Smith does not disclose that a modification in either the recipient list window 350 or the 2D object window 270 is automatically visible in the other window. Therefore, Carpenter-Smith does not

disclose synchronizing a textual relationship with a graphical relationship so that a modification in one representation is automatically visible in the other representation as currently called for in the independent claims of the present application. Instead of automatic synchronization, Carpenter-Smith relies upon the user to maintain synchronization between recipient window 350 and the 2D object window 270.

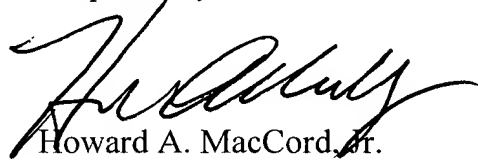
Carpenter-Smith gives the user a graphical user interface tool that the user interacts with to maintain synchronization between recipient window 350 and the 2D object window 270. Please notice the 2D object tool bar shown in the upper right-hand corner of window 270 shown in FIG. 19. This 2D object tool bar is labeled 272 in FIG. 13 of Carpenter-Smith and includes a pointer object tool 274 for allowing the user to move 2D objects from one location in 2D object window 270 to another location in 2D object window 270. Object tool bar 272 also includes a new object tool 278 that when selected allows a user to add new objects to 2D object window 270 and a text object tool 276 for labeling objects created by the user.

Moreover, object tool bar 272 includes a link object tool that allows the user to draw lines connecting certain objects to show a relation between those connected objects. The graphical user interface 2D object tool 272 of Carpenter-Smith is not needed in the present invention to maintain synchronization between a textual representation and a graphical representation since the present invention includes a step of synchronizing a textual relationship with a graphical relationship so that a modification in one representation is automatically visible in the other representation. If Carpenter-Smith included this step, there would be no need for the 2D object tool shown in FIG. 19 on which the Examiner relies in making his rejection. Therefore, the windowing feature disclosed by Carpenter-Smith as depicted in FIG. 19 and described in column 12, lines 32-45 is merely a well-known software feature and in no way suggests automatic synchronization between a textual representation and a graphical representation as called for in the Applicant's independent claims. Thus the Examiner's rejection is improper and should be removed.

CONCLUSION

In view of the above remarks, it is believed that this application is in condition for allowance. If unresolved issues remain, the Examiner is invited to telephone applicant's attorney at the number below.

Respectfully submitted,



Howard A. MacCord, Jr.

Registration No. 28,639

MacCord Mason PLLC

P. O. Box 2974

Greensboro, North Carolina 27402

(336) 273-4422

Date: April 3, 2006

File No.: **7399-023**

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS
BEING DEPOSITED WITH THE UNITED STATES
POSTAL SERVICE AS FIRST-CLASS MAIL, IN AN
ENVELOPE ADDRESSED TO: COMMISSIONER
FOR PATENTS, P.O. BOX 1450, ALEXANDRIA,
VA 22313-1450, ON 3 APRIL 2006

(Date of Deposit)

Christian E. Carter-Seyboth

Name of Depositor



Signature

3 APRIL 2006

Date of Signature